

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:03-cr-187-5

LATONIA WALLACE,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the Court is the defendant's motion, brought pursuant to 18 U.S.C. § 3582(c)(2), to have her sentence reduced due to a subsequent reduction in the applicable sentencing guideline. On November 1, 2007, the United States Sentencing Guidelines were amended to reduce by two levels the guidelines in Section 2D1.1 for cocaine base (also known as crack). Subsequently, the Sentencing Commission amended Section 1B1.10 to make the crack amendment retroactive, effective March 3, 2008. Pursuant to a Standing Order entered on February 6, 2008, this case was designated for Standard consideration.

The Court has received and considered the original Presentence Investigation Report (PSI), original Judgment and Commitment Order and Statement of Reasons, plea agreement, and addendum to the PSI from the Probation Office, and received any materials submitted by the parties on this issue. The Court has also considered the applicable factors under 18 U.S.C. § 3553(a), consistent with § 3582(c)(2), and public safety.

The original Presentence Investigation Report attributed to the defendant 431 kg of marijuana equivalent. Her original offense conduct resulted in a base offense level of 28, and a

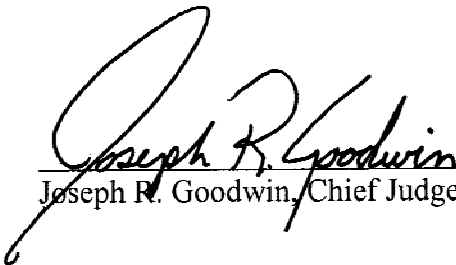
criminal history category of III. The defendant's original guideline range was 97 to 121 months.

After being given an opportunity to address the propriety and extent of a reduction of the defendant's sentence, the United States has indicated that it does not object to a two-level reduction in base offense level.

Based on the foregoing considerations, the defendant's motion is **GRANTED**. The Court **ORDERS** that the defendant's base offense level be reduced by two levels, resulting in a new total offense level of 26, and a guideline range of 78 to 97 months. It is further **ORDERED** that Defendant's previous sentence be reduced to a period of **78** months, with credit for time served to date pursuant to U.S.S.G. 1B1.10(b)(2)(C).

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, the Federal Bureau of Prisons and the United States Marshals.

ENTER: March 25, 2008


Joseph R. Goodwin, Chief Judge